

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2010 FEB 19 PM 3: 56

DEPUTY CLERK

CHRISTOPHER H. ALANIZ,
also known as
HOWARD CHRISTOPHER ALANIZ

Petitioner,

V.

2:09-CV-0299

RICK THALER,
Director, Texas Dep't of Criminal Justice,
Correctional Institutions Division,

Respondent.

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS


Petitioner has filed with this Court a petition for a writ of habeas corpus challenging the parole board's decision to deny him release on parole. On February 5, 2010, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein the petition for a writ of habeas corpus be dismissed as petitioner had failed to exhaust his claims. Petitioner specifically indicated on his petition he had not utilized TDCJ grievance procedure by filing a Step 1 or a Step 2 grievance. In his objections, petitioner states he has exhausted the grievance process and references the Court to an exhibit. There is no exhibit attached to his objections, and the only exhibit attached to his petition does not relate to whether he has exhausted his claims.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition

for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 19th day of February 2010.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE